

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Darren Cornelius STANLEY,

Petitioner,

v.

Robert L. AYERS Jr., Warden of San Quentin
 State Prison,

Respondent.

Case Number 3-7-cv-4727-MHP
 Case Number 3-7-cv-5608-MHP

DEATH-PENALTY CASE

ORDER REGARDING REQUEST
 FOR APPOINTMENT OF COUNSEL
 AND STAY OF EXECUTION

[Docket No. 1]

Petitioner Darren Cornelius Stanley, having been sentenced to death by the Superior Court of California in and for the County of Alameda, has filed a request for appointment of counsel and for a stay of execution of his death sentence as well as a request to proceed in forma pauperis.

Due to a clerical error, Petitioner's most recent filing was entered as a separate action, No. 3-7-cv-5608-MHP, rather than docketed under the correct case number, No. 3-7-cv-4727-MHP. Accordingly, and good cause therefor appearing, the clerk shall close the file in No. 3-7-cv-5608-MHP as a duplicative filing and shall docket Petitioner's incorrectly filed document under the correct case number, No. 3-7-cv-4727-MHP. All filings in these proceedings shall bear the correct case number, No. 3-7-cv-4727-MHP.

Good cause appearing therefor, Petitioner's request to proceed in forma pauperis is

1 granted. Pursuant to Habeas Local Rule 2254-25, the request for appointment of counsel is
 2 granted. This action is referred to the Court's Selection Board for the recommendation of
 3 qualified counsel to represent Petitioner in these proceedings.

4 Pursuant to Habeas Local Rule 2254-24(a), Petitioner is entitled to a stay of execution
 5 pending the final disposition of the proceedings in this Court. It appears from Petitioner's
 6 declaration in filed in support of his request that the Supreme Court of California has entered a
 7 stay of execution of Petitioner's death sentence that remains in effect. This federal Court
 8 therefore will defer resolution of Petitioner's request for a stay of execution pending the
 9 disposition of the stay entered by the State court. Should the stay entered by the Supreme Court
 10 of California be dissolved, this Court automatically shall grant Petitioner's request for a stay and
 11 automatically shall enter a stay of the execution of Petitioner's death sentence pending the final
 12 disposition of the proceedings in this Court. In the event that the stay entered by the Supreme
 13 Court of California is not dissolved prior to the final disposition of the proceedings in this Court,
 14 Petitioner's request for a stay of execution in this Court automatically shall be denied as moot
 15 upon the entrance of the judgment of this Court.

16 The Clerk immediately shall notify by telephone Respondent Robert L. Ayers Jr.,
 17 Warden of San Quentin State Prison, of this order. The Clerk also shall serve certified copies of
 18 this order upon Petitioner; Respondent; the clerk of the Superior Court of California in and for
 19 the County of Alameda; Michael G. Millman, Esq., Executive Director of the California
 20 Appellate Project; Richard L. Rubin, Esq.; Juliet B. Haley, Esq., Deputy Attorney General of the
 21 State of California; and James Anderson, Esq., Office of the District Attorney of the County of
 22 Alameda.

23 *It is so ordered.*

24
 25 DATED: November 7, 2007

26 
 27 _____
 28 MARILYN HALL PATEL
 United States District Judge

Copies of Order mailed on November 7, 2007 to:

Darren Cornelius Stanley
CDC # D-09338
San Quentin State Prison
San Quentin, CA 94974

Robert L. Ayers Jr.
Warden
San Quentin State Prison
San Quentin, CA 94974

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